

REMARKS

Applicant has received and reviewed the Official Action mailed by the Office on 14 December 2004, and submits this paper as a fully-responsive reply thereto.

5 Rejections Based on § 102

Claims 1-5, 7-16, and 18 stand rejected under § 102(b) as being anticipated by United States Patent No. 623,468 to Forbes (hereinafter "Forbes"), as stated in Paragraph 2 of the Official Action. Claims 1-5, 7-11, 13-16, and 18-20 stand rejected under § 102(b) as being anticipated by United States Patent No. 1,552,856 to Judge (hereinafter "Judge"), as stated in Paragraph 3 of the Official Action. Claims 1-9 and 13-14 stand rejected under § 102(b) as being anticipated by United States Patent No. 1,928,594 to Kearney (hereinafter "Kearney"), as stated in Paragraph 4 of the Official Action. Claims 1-5, 9-16, and 19-20 stand rejected under § 102(b) as being anticipated by United States Patent No. 4,294,348 to Hastings (hereinafter "Hastings"), as stated in Paragraph 5 of the Official Action. Claims 1-5, 13-16, and 19 stand rejected under § 102(b) as being anticipated by United States Patent No. 3,966,103 to Abrams (hereinafter "Abrams"), as stated in Paragraph 6 of the Official Action.

The Applicant respectfully traverses each of the foregoing rejections, for the reasons stated below.

Turning first to independent claim 1, the Official Action stated five different § 102(b) rejections of claim 1. More particularly, the Action stated that claim 1 was anticipated by Forbes, Judge, Kearney, Hastings, and Abrams. The Applicant has amended claim 1 as indicated above to clarify further aspects of the device, and discusses each of the above five references in turn. For convenience of discussion, the Applicant reproduces claim 1, with the above redlines included:

“1. (currently amended) A storage device structured for use in operative association with a cable connected to at least a portion of an elevated structure, the storage device comprising:

a base including a tool tray portion and a storage bin portion;

at least one pedestal having a proximal end connected to the base and having a distal end; and

at least one hanger rigidly connected to the distal end of the at least one pedestal, the hanger having a generally C-shaped portion that defines an interior opening structured for receiving at least a portion of the cable therein, whereby the storage device is suspendable from the cable by engaging the C-shaped portion of the hanger on the cable; and,

~~the storage device being structured to be suspendable from the cable.”~~

Claim 1 is amended to clarify features of the device, namely a “hanger having a generally C-shaped portion that defines an interior opening...”. This amendment to claim 1 is believed fully supported under 35 U.S.C. § 112, 1st

paragraph, at least by Figures 3A and 3B, particularly the hangers 42 and 44 shown therein.

Turning first to Forbes, Paragraph 2 of the Action applied Forbes' member C to the "hanger" feature recited by the Applicant in claim 1. Forbes' member (C) is generally planar in configuration, in contrast to the hanger having a C-shaped portion as now recited by the Applicant. Further, while Forbes' member (C) may define apertures through which elongated members (s) and (r) may pass, these apertures are not defined by a generally C-shaped hanger, as now recited in the Applicant's claim 1. On at least this basis, the Applicant submits that Forbes does not support a § 102 rejection of claim 1, and requests reconsideration and withdrawal of the § 102 rejection of claim as stated in Paragraph 2 of the Action.

Claim 1 is also amended to clarify further features of the device, namely a "hanger rigidly connected to the distal end of the at least one pedestal". This amendment to claim 1 is believed fully supported under 35 U.S.C. § 112, 1st paragraph, at least by Figures 2, 3A, and 3B, particularly the hangers 42 and 44 shown therein as rigidly attached to the ends of pedestals 28 and 30.

Turning now to Judge, Paragraph 3 of the Action applied Judge's hanger 23 to the "hanger" feature recited by the Applicant in claim 1. One end of Judge's hangers 23 is pivotally joined to handle sections 11 and 12, and the other end of Judge's hangers 23 selectively engage apertures 25 to enable Judge's container to

assume the configuration shown in Figure 3. In contrast, the Applicant's recited hanger is rigidly attached to the pedestal. Further, Judge's hangers 23 are joined to an intermediate portion of the handles 11 and 12. In contrast, the Applicant's recited hanger is attached to a distal end of the pedestal. On at least this basis, the

5 Applicant submits that Judge does not support a § 102 rejection of claim 1, and requests reconsideration and withdrawal of the § 102 rejection of claim as stated in Paragraph 3 of the Action.

Turning now to Kearney, Paragraph 4 of the Action applied Kearney's member 11 to the "hanger" feature recited by the Applicant in claim 1. As

10 discussed above in connection with Forbes, the Applicant's claim 1 now recites a "hanger having a generally C-shaped portion that defines an interior opening...". Kearney's member 11 appears to be a shelf attached to an upright member 10 in somewhat cantilever fashion. However, Kearney's member 11 is not C-shaped in configuration, as recited by the Applicant's claim 1. On at least this basis, the

15 Applicant submits that Kearney does not support a § 102 rejection of claim 1, and requests reconsideration and withdrawal of the § 102 rejection of claim as stated in Paragraph 4 of the Action.

Turning now to Hastings, Paragraph 5 of the Action applied Hastings' member 36 to the "hanger" feature recited by the Applicant in claim 1. As

20 discussed above in connection with Forbes and Kearney, the Applicant's claim 1 now recites a "hanger having a generally C-shaped portion that defines an interior

opening...". Hastings' member 36 appears to be a top portion of a carrying case that is generally planar in configuration, generally rather than C-shaped, as recited in the Applicant's claim 1. On at least this basis, the Applicant submits that Hastings does not support a § 102 rejection of claim 1, and requests
5 reconsideration and withdrawal of the § 102 rejection of claim as stated in Paragraph 5 of the Action.

Turning now to Abrams, Paragraph 6 of the Action applied Abrams' member 32 to the "hanger" feature recited by the Applicant in claim 1. However, the Applicant's claim 1 now recites a "hanger having a generally C-shaped portion
10 that defines an interior opening structured for receiving at least a portion of the cable therein". Abrams' member 32 appears to be a rectangular band bent and affixed to the napkin holder as shown in Abrams' Figure 1, with the member 32 joined to the member 31 to form a closed structure. In contrast, the Applicant's claim 1 recites a hanger having a C-shaped portion, which is not disclosed by
15 Abram's closed structure. On at least this basis, the Applicant submits that Abrams does not support a § 102 rejection of claim 1, and requests reconsideration and withdrawal of the § 102 rejection of claim as stated in Paragraph 6 of the Action.

Claims 2-15 depend from claim 1, and therefore the comments above
20 regarding the various references applied to claim 1 apply equally to claims 2-15.

On at least this basis, the Applicant requests consideration and withdrawal of the rejections of claims 2-15 on at least this basis.

Turning to dependent claim 10, the Action stated § 102 rejections of claim 10 as being anticipated by Forbes, Judge, and Hastings. The Applicant has amended claim 10 to clarify further features of the device. For convenience, claim 10 is reproduced here, with the above redlines included:

10 "10. (currently amended) The storage device of Claim 1, further comprising at least a further hanger having a generally C-shaped portion that defines an interior opening structured for receiving at least a portion of the cable therein, wherein the interior opening defined by the C-shaped portion of the further hanger is coaxial with the interior opening defined by the C-shaped portion of the first hanger, whereby the storage device is suspendable from the cable by engaging the C-shaped portions of the further hanger and the hanger on the cable~~wherein at least one hanger includes a quick-release device operatively associated therewith.~~

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The above revisions to claim 10 are believed fully supported under § 112, 1st paragraph, at least by Figure 2, which shows a front view of two hangers 42 and 44, and by Figures 3A and 3B, which show end views of the hangers 42 and 44, respectively. In addition to the above comments relating to claim 1 regarding the hanger, claim 10 recites at least a further hanger having the same configuration, with the interior openings being coaxial. The Applicant submits that neither Forbes, Judge, nor Hastings disclose the features of claim 10, and thus

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do not support a § 102 rejection of claim 10 as revised above. On at least this further basis, the Applicant requests reconsideration and withdrawal of the rejection of claim 10.

Turning to dependent claims 11 and 12, the Action state rejections of these claims as being anticipated under § 102 by Forbes, Judge, and/or Hastings. The Applicant has amended these claims to clarify further features of the storage device. The revisions to claim 11 are believed fully supported under § 112, 1st paragraph, at least by Figures 3A and 3B, particularly the liners 50 and 52 shown therein. The revisions to claim 12 are believed fully supported at least by the description at the end of Paragraph 25 of the Applicant's specification. For convenience, the Applicant reproduces claims 11 and 12, with the above redlines included:

15 "11. (currently amended) The storage device of Claim 1, further comprising a liner attached along an interior surface portion of ~~connected to a~~ the C-shaped portion of the at least one hanger, wherein the liner is generally arcuate in configuration, and whereby the liner is positioned between the interior surface portion of the hanger and a portion of the cable when the C-shaped portion of the hanger is engaged on the cable.

20 12. (currently amended) The storage device of Claim 11, wherein the liner is constructed of a frictional material that resists movement of the storage device along the cable when the C-shaped portion of the hanger is engaged on the cable ~~structured to be positioned between an interior surface portion of the hanger~~

~~and a portion of the cable."~~

In Paragraphs 2, 3, and 5, respectively, the Action applied Forbes, Judge, and Hastings to the "liner" feature recited in the Applicants in claims 11 and 12. Turning first to Forbes, Paragraph 2 of the Action applied Forbes' removable member (F) to the Applicant's recited liner. Forbes' member (F) appears to be a knob attached to a rod (r). The Applicant's claim 11 now recites a liner that is attached along an interior surface portion of the C-shaped portion of the hanger. Forbes' member (F) is not attached along an interior surface portion of any C-shaped structure. Therefore, Forbes does not support a § 102 rejection of claim 11.

Claim 12 depends from claim 11 and ultimately from claim 1, so the above comments directed to claims 1 and 11 apply equally to claim 12. In addition to those comments, however, the Applicants request reconsideration of claim 12 as now amended to recite a liner constructed of frictional material. Forbes does not disclose constructing member (F) of a frictional material, so Forbes does not support a § 102 rejection of claim 12.

On at least these further bases, the Applicant submits that Forbes does not support a § 102 rejection of claims 11 and 12, and requests reconsideration and withdrawal of the § 102 rejections of claims 11 and 12 as stated in Paragraph 2 of the Action.

Turning now to Judge, Paragraph 3 of the Action applied Judge's opening 24 to the Applicant's recited liner. In response, the Applicants first note that Judge's opening 24 represents a void defined in the handle 12 rather than structure, so it is not immediately clear to the Applicant how a void can anticipate positively recited structure such as the Applicant's "liner". Nevertheless, claim 11 now recites a "liner attached along an interior surface portion of the C-shaped portion of the hanger", and Judge's opening 24 does not disclose a liner attached along an interior surface of any C-shaped structure that corresponds to a hanger. On at least this basis, Judge does not support a § 102 rejection of claim 11.

Regarding dependent claim 12, Judge's opening 24 is a void, so, by definition, it is constructed of nothing. Therefore, Judge's opening 24 does not disclose a liner constructed of a frictional material. Further, Judge does not disclose forming its handle 12 of a frictional material, so Judge does not support a § 102 rejection of claim 12.

On at least theses further bases, the Applicant submits that Judge does not support a § 102 rejection of claims 11 and 12, and requests reconsideration and withdrawal of the § 102 rejections of claims 11 and 12 as stated in Paragraph 3 of the Action.

Turning now to Hastings, Paragraph 5 of the Action applied Hastings' strap 40 to the Applicant's recited "liner". Hastings' strap 40 passes along the outer

surfaces of two planar members 32 and 36, and engages a ring 38 to secure the planar member 32 in a closed position. In contrast, the Applicant's claim 11 now recites a liner attached along an interior surface portion of a C-shaped portion of a hanger. Hastings' strap 40 is not attached along any interior portion of any C-shaped structure, so Hastings does not support a § 102 rejection of claim 11. Accordingly, the Applicant requests reconsideration and withdrawal of the § 102 rejections of claims 11 and 12 as stated in Paragraph 5 of the Action.

Turning to **independent claim 16**, the Action stated separate rejections of claim 16 as being anticipated under § 102 by Forbes, Judge, Hastings, and Abrams. The Applicant has amended claim 16 to clarify features similar to those discussed above in connection with claims 1, 10, and 11. Therefore, the comments above directed to claims 1, 10, and 11 apply equally to claim 16 and to claims 17-19, which depend therefrom. In addition, claim 19, which depends from claim 16, is amended to recite features similar to those discussed above in connection with claim 12. Therefore, the comments above directed to claim 12 apply equally to claim 19. On at least these bases, the Applicants request reconsideration and withdrawal of the rejections of claims 16-19 as stated in the Action.

Turning to **independent claim 20**, the Action stated rejections of claim 20 as being anticipated under § 102 by Judge and Hastings. Applicants have amended claim 20 to clarify features similar to those discussed above in

connection with claims 1 and 10-12. In addition, the Applicant has amended claim 20 to recite further details relating to the quick-release device, namely, that the quick-release device is "disposed relative to the C-shaped portion of the hanger so that the cable passes through the quick-release devices when the hangers are engaged on the cable". This feature is believed fully supported under § 112, 1st paragraph, at least by the Applicant's Figures 3A and 3B, which illustrate quick-release devices 46 and 48 and how they are disposed relative to hangers 42 and 44 and to cable 4.

Paragraph 3 of the Action cited Judge's hanger 23 as a form of quick-release device. However, Judge's hanger 23 is a hook member that can be engaged selectively on either the handle 12 or on the apertures 25. Therefore, Judge's hanger 23 is not disposed relative to a hanger, and Judge does not disclose the above feature recited in claim 20. On at least this further basis, Judge does not support a § 102 rejection of claim 20, and the Applicant requests reconsideration and withdrawal of the rejections of claim 20.

Claims 2, 6, 7, and 9 are revised to address informalities noted by the Application.

The Applicant requests favorable action on this application at the earliest convenience of the Office. If discussion with the Applicant's representative would

advance the prosecution of this case, the Office is requested to contact the undersigned at the telephone number provided below.

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Dated: 10 may 05

Respectfully Submitted,

By: 

Rocco L. Adornato
Reg. No. 40,480
(509) 324-9256 x 257